

Update: Juvenile Justice Benchbook (Revised Edition)

CHAPTER 7

Pretrial Proceedings in Delinquency Cases

7.9 Raising Alibi or Insanity Defenses

On page 166, before subsection (A), insert the following text:

In *In re JLE*, unpublished opinion per curiam of the Court of Appeals, decided February 8, 2005 (Docket No. 250363), the Court of Appeals held that MCL 330.2050 does not apply to juvenile proceedings. MCL 330.2050 requires the court to “immediately commit any person who is acquitted of a criminal charge by reason of insanity to the custody of the center for forensic psychiatry . . .” to determine whether an order of hospitalization or admission is appropriate. In *JLE*, a juvenile was charged with assault with intent to commit murder and possession of a weapon in a weapon-free school zone. The trial court found the juvenile “‘not criminally responsible’ because ‘he could not conform his actions to the requirements of society.’” The trial court then dismissed the petition and released the juvenile to his father for transport to an inpatient mental health treatment facility in another state. The petitioner appealed, claiming that once the trial court found the juvenile not guilty by reason of insanity, the trial court was required to commit the juvenile to the Center for Forensic Psychiatry pursuant to MCL 330.2050. The Court of Appeals affirmed the trial court’s decision and stated:

“Assuming arguendo that the insanity defense applies to juvenile proceedings, see *In re Ricks*, 167 Mich App 285, 289-293; 421 NW2d 667 (1988), we are not persuaded that MCL 330.2050 also applies. . . .

* * *

“Just as the Court in *In re Carey* held that the Mental Health Code provisions concerning competency evaluations for ‘a defendant to a criminal charge’ were not binding with respect to juvenile cases, we conclude here that the Mental Health Code provision regarding

a person ‘who is acquitted of a criminal charge’ by reason of insanity does not apply to juvenile proceedings.”

The Court of Appeals also noted that MCL 330.2050 should not be used as a “guide” in juvenile cases because MCL 330.1498a et seq. apply to hospitalization of “emotionally disturbed minors.”